

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHRISTOPHE BENSMINE,

Plaintiff,

-against-

THE CITY OF NEW YORK, ANDREW J.
HILLERY, CHAJDON MONESTINE,
GERARD DOWLING, VINCENT CASCIO,
AMEL CIRIKOVICH, WILLIAM DOTTAVIO,
GREGORY JOHNSON, WENDELL
KORNEGAY, OSCAR MOSQUERA, PAUL
OLIVARES, AND AMARJIT SINGH.,

Defendants.

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**DECLARATION OF ANDREW
B. SPEARS IN FURTHER
SUPPORT OF DEFENDANTS'
MOTION FOR JUDGEMENT
ON THE PLEADINGS**

21-CV-4816 (LJL)

ANDREW B. SPEARS, an attorney duly admitted to practice in the State of New York and in the United States District Court for the Southern District of New York, declares, pursuant to 28 U.S.C. §1746, under penalty of perjury, that the following is true and correct:

I am an Assistant Corporation Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney for defendants City of New York, Andrew Hillery, Chajdon Monestine, Gerard Dowling, Vincent Cascio, Amel Cirikovich, William Dottavio, Gregory Johnson, Wendell Kornegay, Oscar Mosquera, Paul Olivares, and Amarjit Singh ("defendants"). As such, I am familiar with the facts and circumstances stated below. I submit this declaration in further support of Defendants' Motion for Judgment on the Pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure.

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1. Annexed hereto as Exhibit “D-2” is a true and accurate copy of an excerpt from the transcript of plaintiff’s 50-h hearing, conducted on December 17, 2020, which was inadvertently omitted from the prior exhibit submitted in support of defendants’ motion for judgment on the pleadings. (See Khairy Decl., ECF No. 94, Exhibit D).

Dated: December 15, 2022
New York, New York

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel
of the City of New York
Attorney for Defendants
100 Church Street
New York, New York 10007
(212) 356-3159

Respectfully submitted,

Andrew B. Spears /s
Andrew B. Spears
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **VIA ECF**
Sujata S. Gibson, Esq.
Remy Green, Esq.
Gideon O. Oliver, Esq.
Attorneys for plaintiff Christophe Bensmaine